

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

Plaintiff,

v.

\$40,000.00 IN UNITED STATES CURRENCY,

Defendant.

Case No. 3:13-cv-405-LRH-VPC

AMENDED JUDGMENT OF FORFEITURE

JOHN R. GAGLIARDI,

Claimant.

On July 30, 2013, a verified complaint was filed by the United States against the defendant currency (hereinafter “currency”) seeking forfeiture in rem of the designated defendant currency. The complaint alleges that the defendant currency is property which constitutes proceeds traceable to the exchange of controlled substances in violation of the Controlled Substances Act, or is property furnished or intended to be furnished by a person in exchange for a controlled substance or listed chemical in violation of the Controlled Substances Act, and as such is subject to forfeiture to the United States of America pursuant to 21 U.S.C. § 881(a)(6).

Claimant John R. Gagliardi filed a verified claim to the defendant currency and he is the sole claimant in this forfeiture proceeding. On June 24, 2015, Judgment was entered. On September 4, 2015, this Court entered its order regarding claimant’s motion to recover attorneys’ fees and costs.

1 The United States and claimant Gagliardi each filed appeals seeking review by the Ninth
2 Circuit Court of Appeals of various orders entered by the Court. The parties thereafter agreed to,
3 among other things, the dismissal of the pending appeals and the entry of this Amended Judgment of
4 Forfeiture to fully and finally conclude all matters arising in this litigation.


5 Claimant John R. Gagliardi and plaintiff United States have submitted a stipulation for entry of
6 an amended judgment of forfeiture;

7 NOW, THEREFORE, in accordance with the stipulation of the parties for entry of an amended
8 judgment of forfeiture, it is hereby ORDERED, ADJUDGED, AND DECREED that Amended
9 Judgment of Forfeiture is entered against the sum of \$10,000.00 IN UNITED STATES CURRENCY,
10 and against all other persons, potential claimants, and/or entities, if any, having an interest in such
11 amount of the defendant currency, and that said amount of the defendant property (\$10,000.00) be, and
12 the same is, hereby forfeited to the United States of America and no right, title, or interest in the
13 defendant property so forfeited shall exist in any other person or entity.

14 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that, in accordance with the
15 stipulation of all interested parties, that the sum of \$30,000.00, less any sums required to be offset by
16 federal law, shall be returned to claimant John R. Gagliardi free and clear of the forfeiture claims of
17 the United States advanced herein, in care of his legal counsel.

18 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that, in accordance with the
19 stipulation of all interested parties, that claimant John R. Gagliardi shall recover from the United
20 States attorneys' fees and costs in the total sum of \$113,000.00 pursuant to the Civil Asset Forfeiture
21 Reform Act, 28 USC § 2465(b)(1)(A).

22 DATED this 10th day of November, 2015.

23 
24 LARRY R. HICKS
UNITED STATES DISTRICT JUDGE